Decision for dispute CAC-UDRP-102655

Case number	CAC-UDRP-102655
Time of filing	2019-08-29 10:42:51
Domain names	arcelormtltal.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	ARCELORMITTAL S.A.

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	Summertime tour

OTHER LEGAL PROCEEDINGS

The Panel is not aware of other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the international trademark “ARCELORMITTAL” - Reg. No 947686 - registered on August 3, 2007.

The Complainant also owns a domain names portfolio, including the wording “ARCELORMITTAL”, such as the domain name <arcelormittal.com> registered since January 27, 2006.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is the largest steel producing company in the world and is the market leader in the appliance of steel in the automotive, construction, and household sector with operations in more than 60 countries. It holds sizeable captive supplies of raw materials and operates extensive distribution networks.

The Complainant uses, inter alia, the domain name <arcelormittal.com> and its trademark “ARCELORMITTAL” for its

services and as company name.

The disputed domain name was registered on August 21, 2019 and points to a parking page with commercial links.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

A. The disputed domain name is confusingly similar to the trademark ARCELORMITTAL of the Complainant.

The Complainant has, to the satisfaction of the Panel, shown that it has valid trademark rights in “ARCELORMITTAL”.

The replacement of the letters “I” and “T” by the letters “T” and “L” in the word “ARCELORMITTAL” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark "ARCELORMITTAL”. This is a case of "typosquatting“, i.e. the disputed domain name contains an obvious misspelling of the Complainant’s trademark.

B. The Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of the Policy.

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the disputed domain name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to use its trademark in a domain name.

Moreover, the disputed domain name is a typosquatted version of the trademark “ARCELORMITTAL”. Since typosquatting is a practice of registering a domain name in an attempt to take advantage of internet users’ typographical errors, this circumstance is also evidence that the Respondent lacks rights and legitimate interests in the disputed domain name.

Finally, the fact that the disputed domain name links to a parking page with commercial links shows, that it is not a bona fide offer of goods or services or a legitimate non-commercial or fair use.

C. The disputed domain name has been registered and is being used in bad faith within the meaning of the Policy.

The Complainant’s trademark “ARCELORMITTAL” is widely known. Given the distinctiveness of the Complainant's trademark and reputation, it can be concluded that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.

Also, the Complainant has, to the satisfaction of the Panel, shown, that the misspelling of the trademark “ARCELORMITTAL” was intentionally designed to be confusingly similar with the Complainant’s trademark.

Furthermore, the disputed domain name points to a parking page with commercial links. From this can be inferred, that the Respondent attempts to attract internet users by creating a likelihood of confusion with the Complainant’s trademark. Such likelihood of confusion is also evidence of bad faith registration and use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **ARCELORMTLTAL.COM**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2019-10-09

Publish the Decision